

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ragossnig, et al. Art Unit : 2834
Serial No. : 10/546,628 Examiner : Dougherty, Thomas M.
Filed : April 19, 2006 Conf. No. : 3285
Title : ELECTRICAL MULTILAYERED COMPONENT AND LAYER STACK

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF AUGUST 13, 2007

In reply to the Final Office Action of August 13, 2007, Applicants submit the following remarks.

REMARKS

On Wednesday, August 22, 2007, Paul A. Pysher and Timothy M. Bryan, Attorneys for the Applicants, conducted a telephonic interview with Examiner Dougherty. During that interview, the issue of whether the cited reference, U.S. Publication 2006/0055288 ("Heinzmann"), qualifies as prior art under 35 U.S.C. § 102(e) was discussed. The Attorneys and the Examiner did not reach an agreement on this issue, but the Examiner recommended that the position of the Applicants should be included in a formal response for further consideration.

Claims 1 through 10 are pending, of which claims 1 and 9 are independent. Favorable reconsideration and further examination are respectfully requested.

35 U.S.C. §§102/103

Claims 1, 3-5 and 7-9 were rejected under 35 U.S.C. §102(e) as being anticipated by over U.S. Pat. Pub. No. 2006/0055288 ("Heinzmann"); claims 2, 6, and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Heinzmann. However, Heinzmann does not qualify as prior art under 35 U.S.C. §102(e), or any other statutory provision under 35 U.S.C. §102.

Heinzmann is a U.S. national phase of international application no.: PCT/EP03/05051, filed on May 14, 2003. Heinzmann also claims priority to two earlier filed foreign applications; however, MPEP §2136.03(I) makes it clear that "35 U.S.C. 102(e) is explicitly limited to certain